

**Introduced by Senator Lieu**

February 13, 2013

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An act to amend Section ~~139.45~~ 112 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 258, as amended, Lieu. Workers' compensation: advertisements.

*Existing law establishes the 7-member Workers' Compensation Appeals Board, and provides that the members of the appeals board are appointed by the Governor with the advice and consent of the Senate. Existing law requires that 5 of the 7 members of the board be experienced attorneys admitted to practice in the State of California, and provides that the other 2 members need not be attorneys.*

*This bill would require that all 7 members of the board be experienced attorneys admitted to practice in the State of California.*

~~Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law requires the administrative director to promulgate regulations regarding advertisements relating to workers' compensation, and requires the administrative director to take particular care to preclude any advertisements with respect to industrial injuries or illnesses that are false or that mislead the public with respect to workers' compensation.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 112 of the Labor Code is amended to  
2     read:

3     112. (a) The members of the appeals board shall be appointed  
4     by the Governor with the advice and consent of the Senate. The  
5     term of office of the members appointed prior to January 1, 1990,  
6     shall be four years, and the term of office of members appointed  
7     on or after January 1, 1990, shall be six years and they shall hold  
8     office until the appointment and qualification of their successors.

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10    (b) All of the members of the appeals board shall be experienced  
11    attorneys at law admitted to practice in the State of California. The  
12    ~~other two members need not be attorneys at law.~~ All members  
13    shall be selected with due consideration of their judicial  
14    temperament and abilities. Each member shall receive the salary  
15    provided for by Chapter 6 (commencing with Section 11550) of  
16    Part 1 of Division 3 of Title 2 of the Government Code.

17    SECTION 1. ~~Section 139.45 of the Labor Code is amended to~~  
18    read:

19    ~~139.45. (a) In promulgating regulations pursuant to Sections~~  
20    ~~139.4 and 139.43, the administrative director shall take particular~~  
21    ~~care to preclude any advertisements with respect to industrial~~  
22    ~~injuries or illnesses that are false or that mislead the public with~~  
23    ~~respect to workers' compensation. In promulgating rules with~~  
24    ~~respect to advertising, the State Bar and physician licensing boards~~  
25    ~~shall also take particular care to achieve the same goal.~~

26    ~~(b) For purposes of subdivision (a), false or misleading~~  
27    ~~advertisements shall include advertisements that do any of the~~  
28    ~~following:~~

29    ~~(1) Contain an untrue statement.~~

30    ~~(2) Contain any matter, or present or arrange any matter in a~~  
31    ~~manner or format that is false, deceptive, or that tends to confuse,~~  
32    ~~deceive, or mislead.~~

33    ~~(3) Omit any fact necessary to make the statement made, in the~~  
34    ~~light of the circumstances under which the statement is made, not~~  
35    ~~misleading.~~

1     ~~(4) Are transmitted in any manner that involves coercion, duress,~~  
2     ~~compulsion, intimidation, threats, or vexatious or harassing~~  
3     ~~conduct.~~

4     ~~(5) Entice a person to respond by the offering of any~~  
5     ~~consideration, including a good or service but excluding free~~  
6     ~~medical evaluations or treatment, that would be provided either at~~  
7     ~~no charge or for less than market value. No free medical evaluation~~  
8     ~~or treatment shall be offered for the purpose of defrauding any~~  
9     ~~entity.~~

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